

Remarks

The September 9, 2003 official action has been carefully considered. In view of the amendments submitted herewith and these remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set in the September 9, 2003 official action. Accordingly the initial response period is due to expire December 9, 2003. This amendment and request for reconsideration is being filed before the expiration of the initial response period.

As a further preliminary matter, applicants wish to make of record a telephone interview initiated by Examiner Shameem with applicants representative, Tong Li, on or about August 19, 2003. The purpose of the interview was for Examiner Shameem to obtain authorization to cancel withdrawn claims 31-42, at such time as this application is in condition for allowance. Examiner Shameem also agreed during the interview to rejoin the claims of Groups I and II, as set forth in the restriction requirement dated April 22, 2003 in this application. The substance of the aforementioned telephone interview is fairly set forth in the official Interview Summary which was enclosed with the September 9, 2003 official action.

The sole ground of rejection set forth in the September 9, 2003 official action is the rejection of

claims 17 and 18 as allegedly failing to comply with the enablement requirement of 35 U.S.C. §112, first paragraph. In this connection, the Examiner contends, in essence, that the recitation "X is an amino acid, a peptide, an oligopeptide or polypeptide", which appears in both claims 17 and 18, is broader than the enablement provided by the present specification.

Furthermore, composition claims 26-30 have been objected to due to the lack of recitation of a carrier for the recited compounds. In this regard, the Examiner suggested claims 26-30 be amended to recite "a pharmaceutically acceptable excipient, or carrier".

The Examiner also notes a misspelling of polypeptide in claim 17.

Although applicants take exception to the Examiner's contention that the specification provides inadequate enablement for claims 17 and 18, these claims have been amended in order to advance the prosecution of this application. Specifically, as now amended, claims 17 and 18 recite that substituent "X" represents an amino acid. The present specification is fully enabling for the amended scope of claims 17 and 18. Working examples of representative compounds within the amended scope of claim 17 are set forth at pages 21 and 27 of the specification. Additional specific examples of compounds falling within the scope of claims 17 and 18 are set forth at page 4 of the specification.

Amendments to independent claims 20 and 21 have been made in order to conform to the present scope of claims 17 and 18. Claims 24 and 25 have been cancelled in view of the amendments to claims 17 and 18.

Composition claims 26-30 have been amended in accordance with the Examiners' helpful suggestion.

The objection to claim 17 based on the misspelling of polypeptide is rendered moot in view of the present amendment to claim 17.

New claims 43-48 are presented with this amendment, which are directed to certain preferred embodiments of applicants' invention. Support for these new claims is provided in the present specification at page 8, lines 15-20 and page 10, lines 8 and 9.

In view of the foregoing remarks and the amendments presented herewith, claims 17-30 and 43-48 are believed to be in condition for allowance. Accordingly, the issuance of a Notice of Allowance is in order, and such action is earnestly solicited.

In the event that a fee is required for in connection with the consideration of the present amendment the Commissioner is hereby authorized to charge such fee to Deposit Account No. 04-1406.

Respectfully submitted

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